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In re Application of	:	
Uwe Witt et al.	:	
Serial No. 08/793966	:	DECISION
PCT No.: PCT/EP95/02722	:	
Int. Filing Date: 12 July 1995	:	ON
Priority Date: 09 September 1994	:	
Attorney's Docket No.: BOET 0103 PUSA	:	PETITION
For: Biologically Degradable Polyester and Working	:	
Material Consisting Thereof	:	

This is in response to the "Petition To Revive An Application From Unintentional Abandonment Under 37 C.F.R. 1.137(b)" filed on 22 August 2000.

BACKGROUND

On 05 April 1999, applicant submitted a petition under 37 CFR 1.137(a).

On 03 February 2000, a decision dismissing the petition under 37 CFR 1.137(a) was mailed to applicants.

On 22 August 2000, applicants filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the petition is accompanied by the required reply in the form of an executed declaration of all of the inventors. The surcharge under 37 CFR 1.492(e) was paid on 10 March 1997. Therefore, requirement (1) has now been satisfied.

Regarding requirement (2), the petition is accompanied by the petition fee.

Regarding requirement (3), the petition includes a statement that "the entire delay between Applicants' first knowledge of the abandonment of the application and the date of the present Petition was unintentional." This statement is being construed as a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing. The date of the application under 35 U.S.C. 371 is **05 April 1999**.



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